

# **Use of commercial terms in consumer contracts**

## **Abstract**

The topic of this thesis is the use of commercial terms in consumer contracts. The issue is relevant, as it falls within the scope of the protection of consumers, which is one of the most recent trends in private law. The main aim of the thesis is to analyse the legal regulation of the use of commercial terms in consumer contracts and evaluate the possibility of negotiating contractual penalties in commercial terms in consumer contracts.

This thesis is divided into four chapters. First chapter concentrates on the sources of legislation, which can be divided into private and public. The constitutional foundations of consumer protection are briefly subjected to an analysis, as consumer protection does not fall only within the sub-constitutional level. Neither Constitution nor the Charter explicitly work with the term consumer protection, but it results from a conflict of autonomy of will and the principle of equality. In this chapter, attention is also paid to the development of consumer protection and the impact of European Union law on this issue.

In the second chapter of this thesis, attention is paid to the analysis of basic terms such as consumer, entrepreneur or consumer contract and attention to the issues that may arise during their interpretation is also drawn there. Basic means of consumer protection and their legal regulation, especially in the Civil Code, are also described there. At the end of the second chapter of the thesis, the issue of the rules of communication between entrepreneur and consumer and the specifics of contracts concluded in an adhesive manner are also further discussed.

The third and the fourth chapter, which are crucial to the thesis, deals with the commercial terms. In the third chapter, there is an analysis of their legislation, term and purpose. Attention is paid to the types of commercial terms and to the specifics of their use in consumer contracts. Furthermore, the process of incorporation of commercial terms is analysed and at the end of this chapter, attention is paid to the admissibility of the arrangements in commercial terms and then closer to the arrangement on automatic prolongation of the contract and the arrangement on the ultimate change of commercial terms. The last chapter is devoted to inadmissible arrangements in commercial terms. Attention is paid to the surprising arrangements in commercial terms and to the analysis of relevant court decisions. At the end of the fourth chapter, the issue of negotiating contractual penalties in commercial terms in consumer contracts and its evaluation according to currently effective legislation is the subject of rather detailed research.

## **Keywords**

Commercial terms, consumer, contractual penalty.